

M91ZZPIZA-AAW

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

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3 UNITED STATES OF AMERICA,

4 v.

22 Cr. 454 (VSB)

5 DARIUS PIZARRO,

6 Arraignment

7 Defendant.

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8 New York, N.Y.
9 September 1, 2022
10 12:00 p.m.

11 Before:

12 HON. VERNON S. BRODERICK,

13 District Judge

14 APPEARANCES

15 DAMIAN WILLIAMS

16 United States Attorney for the
17 Southern District of New York

AMANDA WEINGARTEN

17 Assistant United States Attorney

18 JONATHAN MARVINNY

19 Attorney for Defendant
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1 (Case called; appearances noted)

2 THE COURT: Good afternoon, Mr. Pizarro.

3 THE DEFENDANT: Good afternoon.

4 THE COURT: So this matter is on for an arraignment
5 and an initial conference.

6 THE DEPUTY CLERK: That's correct, your Honor.

7 THE COURT: So, Mr. Pizarro, have you received a copy
8 of the indictment?

9 THE DEFENDANT: Yes.

10 THE COURT: If I could ask you to pull the microphone
11 a little closer to you. Thank you.

12 Have you had an opportunity to go over the -- have you
13 read it?

14 THE DEFENDANT: Yes.

15 THE COURT: Have you had an opportunity to go over it
16 with your attorney?

17 THE DEFENDANT: Yes.

18 THE COURT: Okay. Do you want me to read it to you or
19 do you waive its public reading?

20 I'm sorry. Could you say that again.

21 THE DEFENDANT: Waive the public reading.

22 THE COURT: You waive. Okay.

23 Let me ask, how do you plead?

24 THE DEFENDANT: Not guilty.

25 THE COURT: Not guilty.

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1 All right. Let me ask the government the status of
2 discovery in this matter.

3 MS. WEINGARTEN: Your Honor, I could list for the
4 Court the discovery categories if the Court would like, but,
5 essentially, the government has discussed with defense counsel
6 as to an acceptable discovery date, and if it's favorable to
7 the Court, we would propose three weeks, which would be
8 September 22. That would be for all material that is in the
9 government's possession currently, although there are search
10 warrants out for two cell phones. If the Court would like, I
11 could list the discovery categories.

12 THE COURT: If you could.

13 MS. WEINGARTEN: So there's the charging instruments
14 and criminal history records; there's subpoena returns from
15 Insomnia Cookies stores, which are the locations where the two
16 Hobbs Act robberies occurred; there are NYPD radio runs and 911
17 calls from both incidents, August 10 and August 12; there's
18 also NYPD body cam footage and interrogation videos from the
19 August 12 incident; there are NYPD reports, including
20 complaints, DD5s, and attachments for both robberies, including
21 notes from interviews with the victims, the employees of the
22 Insomnia Cookies stores; there's NYPD property vouchers; an ATF
23 Nexus report of the firearm; there are documents from the
24 Manhattan District Attorney's Office; there's also documents
25 and body-cam footage from the defendant's prior domestic

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1 violence incident in which he assaulted his pregnant fiancée
2 and his mother-in-law; and there is NYPD precinct surveillance
3 footage of the defendant when he was arrested for the DV
4 incident showing him stabbing a fellow prisoner with an ice
5 pick while in police custody awaiting processing. And,
6 finally, as I previously mentioned, there are -- we are
7 executing two search warrants on two of Mr. Pizarro's cell
8 phones that we seized upon his arrest. As soon as I receive
9 the full extractions, I'll turn those over to the defense. And
10 of course, the responsive interview will be ongoing.

11 THE COURT: Sure.

12 Let me ask, Ms. Weingarten, have the cell phones been
13 cracked already? In other words, are the authorities in the
14 process of creating images, and the like?

15 MS. WEINGARTEN: Your Honor, the government swore out
16 the warrant on August 25, and it must be executed by September
17 8. I believe it's in the process currently -- it's actually
18 with our internal encryption team, and -- they've been handed
19 over to the encryption team. I don't know if they've yet
20 cracked them.

21 THE COURT: Okay. You had mentioned the body cam and
22 interrogation. Is there a statement that was made by
23 Mr. Pizarro?

24 MS. WEINGARTEN: Mr. Pizarro was interrogated, but to
25 the government's knowledge, he made no incriminating statements

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1 during that Mirandized interrogation.

2 THE DEFENDANT: They was fucking me over the whole
3 time.

4 THE COURT: Okay. So I think that's fine. I think
5 the discovery will be produced in three weeks.

6 Let me ask the defense, Mr. Marvinny, how much time --
7 and, obviously, I know you want to get your hands on, also,
8 anything that comes from the phones, so how much time would you
9 like before we -- to review the materials and try to make a
10 determination whether there are any motions that you believe
11 are appropriate?

12 MR. MARVINNY: Your Honor, how about the middle of
13 November?

14 THE COURT: All right.

15 MR. MARVINNY: I have a trial the first two weeks of
16 November, so maybe the third week or fourth week?

17 THE COURT: Okay. Ms. Rodriguez, third, fourth week,
18 probably on a Friday.

19 THE DEPUTY CLERK: November 18 at 4:00 p.m.

20 THE COURT: November 18 at 4:00 p.m, does that work
21 for the government?

22 MS. WEINGARTEN: It does, your Honor. Thank you.

23 THE COURT: For the defense?

24 MR. MARVINNY: Yes, your Honor.

25 THE COURT: All right. So I'm going to exclude the

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1 time between now and November 18 from the time within which
2 Mr. Pizarro would have to be brought to trial. I find that
3 that exclusion outweighs the interests of Mr. Pizarro and the
4 public in a speedy trial.

5 Now, that time is necessary for the government to
6 produce discovery, for Mr. Marvinny to review the discovery
7 with his client and to make any determination whether any
8 motions are appropriate, and also to allow the government to
9 continue its efforts to complete the execution of the search
10 warrant that they have.

11 Let me ask the government, is there anything else that
12 we need to deal with today?

13 MS. WEINGARTEN: Nothing from the government, your
14 Honor.

15 THE COURT: All right. From the defense?

16 MR. MARVINNY: No, thank you.

17 THE COURT: All right. Thank you very much.

18 Mr. Pizarro, I'll see you on November 18. All right.

19 THE DEFENDANT: Yes, sir.

20 THE COURT: All right. Thank you.

21 We'll stand adjourned.

22 (Adjourned)